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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 CORY BARCUS,

11 Plaintiff,

12 v.

13 HOME DEPOT U.S.A., INC.,

14 Defendant.

CASE NO. 11-cv-05857 JRC

ORDER GRANTING DEFENDANT
HOME DEPOT'S SECOND MOTION
TO DISMISS

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16 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
17 Magistrate Judge Rule MJR 13 (see also Joint Status Report, ECF No. 9, p. 3). This matter is
18 before the Court on Defendant's Second Motion to Dismiss (ECF No. 19). Plaintiff has not
19 responded to this motion.

20 The Court has reviewed Defendant Home Depot's Second Motion to Dismiss (ECF No.
21 19), the Declaration of Gregory Thatcher in Support of Defendant Home Depot's Second Motion
22 to Dismiss with Exhibit 1 (ECF No. 20) and Defendant Home Depot's Reply in Support of
23 Second Motion to Dismiss (ECF No. 21).

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On March 23, 2012, defendant filed a Motion to Dismiss Plaintiff's Action or in the Alternative for an Order Compelling Discovery (see ECF No. 14; see also ECF Nos. 15-16, 17). Plaintiff did not file a response to that motion (see ECF No. 17, p. 1).

FINDINGS

This Court finds that Plaintiff has failed to serve timely his Initial Disclosures, as required by Fed. R. Civ. P. 26(a)(1);

1 This Court finds that Plaintiff has not provided timely answers to Defendant's First Set of
2 Interrogatories and Requests for Production;

3 This Court finds that Defendant has made good faith attempts to secure Plaintiff's Initial
4 Disclosures and answers to its First Set of Interrogatories and Requests for Production without
5 the Court's intervention;

6 This Court finds that Plaintiff failed to notify this Court and Defendant of any change of
7 address;

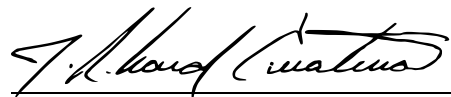
8 This Court finds that Plaintiff has not complied with the Federal Rules of Civil
9 Procedure, and in particular Rules 26(a)(1), 33(b)(1)(2) and 34(b)(2); and

10 This Court finds that Plaintiff has failed to prosecute his case.

11 Based on the foregoing findings,

12 IT IS HEREBY ORDERED that Plaintiff's action against defendant is DISMISSED
13 WITH PREJUDICE.

14 Dated this 8th day of June, 2012.

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17 J. Richard Creatura
18 United States Magistrate Judge
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